App. F IX-4

✓

1933
(ml)

File No. 274 – 33
Serial Nos. 2,334

Previous References
163 – 29 – Sh 1-7
84 – 31 – Sh 11 to 14
66 – 31 – Sh 6 to 55

Letter References
GR 495-30 (1-4)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Four

Part B for April 38

SUBJECT

Construction of buildings on Road margin

(4) To Municipalities
Tdo L 8558 dt 19 4 38

WD 0886—GPB—22,600—18-8-37

Notify Town Councils all Town Councils in the State are empowered to exercise powers vested in them under Sec 102 (1) of the Bombay Town Municipalities Act, 19..

10/11
2

Serial No

From
The Chief Engineer Mysore
No 9731 Dt 20 4 34
Brings to the notice of
Govt two instances wherein the
road margin is not left to the
extent specified in the G.O. dt 16th
June 1931 & requests sanction to
the application of the G.O to the
road margins whether the roads run
thro' Towns, villages or fields

1 Submitted with previous references
2 In G.O no L 9907-37/M463
dated the 16th June 1931, it was
laid down that a margin of 50 ft
should be left in the case of new
houses to be built within mile limits
on newly opened roads vide in para
2 of the G.O in the case of existing
roads thro' town limits 20 feet
margin is specified vide para 3 of the G.O
in special cases

3 In the two cases mentioned
above by the Chief Engr; it is seen
that both the roads in Bangalore City
are

2

File No of 193 3-34 General and Revenue Secretariat

Bannerghatta & Sravanabelagola - Chennarayapatna Road are two State Fund Roads which are already in existence but need improvements. It is only in the latter category of cases that the 50 ft minimum margin could be insisted upon, according to the rules, but in those under consideration it is not therefore clear why the Chief Engr has made these references, though not strictly covered by the G.O. of dated 16th June 1937.

Furthermore in the case of a road running thro' the village on the Sravanabelagola - Chennarayapatna Road, it is possible to insist on the minimum margin being left, only if the regular line of public street is actually prescribed (vide Legislative Return No 255-81-38 (D2)) This means heavy cost to the Govt in the shape of acquisition charges and several lakhs of rupees.

The Chief Engr requests sanction to the application of the rules referred to above where the roads run generally thro' Tanks, villages or fields. This means a modification of the G.O. of 16th June 1937 and it would be very difficult to insist upon this in the case of existing roads, as it would cost heavily, not only to the local bodies but also to the State.

Please see para 10 of D.S.T.

1877 12

General and Revenue Secretariat — File No — of 1933-34 — pp F III-

Serial No

acquiring land for road margin (e.g. in the case of Chickamagalur-Mudgere-Kalasa Road which runs thro' coffee estates) it would be possible to insist on this margin in the case of roads to be newly opened or of construction of bunds new on the old roads or grant of lands for cultivation on either side of new roads.

6 It seems desirable to consult the Dirs of Depts on the proposal now made by the Chief Engineer or to discuss this at a meeting of Dirs & Select Heads of Depts when held, before further action is taken on it.

from 30/4/34 AW

7 Please put up a draft letter to the Chief Engineer making an enquiry on the point raised in para 3 above

AGR 3/5

8 Draft letter in printing proforma

from 2/5/34 AW — Dy Secy

AGR 4/5

9 MW 19/5 Issue

2 To the Chief Engr in reply to No L8490 of 28/4/34 calls for further information

- MAY 10 4 - 3651

24 MAY 1934 GENL & R

61 Mil

2777 274

2777 2

File No 274 of 1933-34 General and Revenue Secretariat

less than 20 feet will do within the limits of villages as stated in this office letter No 4419 dated the 14th December 1934

Chief Engineer of Mysore

B N H

20 Foraders with reps separate supra

21 The strict enforcement of this rule will increase the acquisitive proclivity where the owners take up a strong attitude they can only enforce it as far as further rule decrease as strangers under sple 49259 of where the only is not prepared to pay compensation of the owner wants there is no remedy

Yours

Please keep up

wide notice

OFFICE OF THE SECOND MEMBER OF COUNCIL, 26 AUG 1935 No

-777/934 2777 (3w)

General and Revenue Secretariat. File No 2171 of 193 [App F HL 7

Sd Secretary for news
the receipt of the
from the Rail Board
be awaited?
Jna
17/10/35
Dep Secretary) HM 17/10

Sd The agenda memo
new HM 10/10

Sd Secretary said that an extract
of the notes as prepared might be
obtained for reference pending approval
of the same
HM 22/10

Rev Br wpc)
Jna
22/10/35
HM 22/10/35

Sd An extract of the notes perhaps
(Asst Sec to the L S A Br wpc)
22-10-35

Sd with the extract regd to
Jna
22/10/35 HM 22/10/35
Dep Secy) HM 22/10

Sd The decision is for formal
May a circular letter be issued
to all Dcs explaining the
terms of the decision as the

Put up with the file on the future duty (Dno 1570) received from the Chief Engr is linked to this
Jna
23/10/35

NOTE—Contn Sheet

Prohibition of construction of buildings on road mar.

8

V77/2

File No V7/41 of 193 3-3 General and Revenue Secretariat

meeting

29 It does not seem practicable to take legislative action in the matter.

Secretariat

Mr. 2 11 35

Mr 2/11

OFFICE OF THE SECOND MEMBER OF COUNCIL
4 NOV 1935
No 3382

30 Recently a bill has been framed (and its principles have been approved by N.A.) to enable Govt to prohibit building in unsuspected areas. The D.C. Circular may refer to the action that could be taken when this bill becomes law under the existing provisions of the Rural Regulations under sections 63 & 64 of the L.R. Code etc

MM 5/11/35

Mr 5/11/35

37 Please see the new circular now 5/11

* Vide next page

General and Revenue Secretariat

File No 2167/2 of 193 [App F III-2

2167/2 (9)

Serial No

From

The Chief Engineer in Mysore

No 4/12 Dated 12 11 935

Brings to the notice of Govt a case of encroachment and of the construction of a building within the road margin of the State Trunk Road running through the Nelamangala and Tumkur limits

Extract from the discussions at the Officers meeting at Mysore

11 Construction of buildings in the road margin

32 The Chief Engineer brought to notice that new buildings were observed to be cropping up on the road margins of the existing Provincial and District Fund roads and on the sides of such roads running through villages As it was undesirable to allow the construction of buildings on road margins in these days of fast moving traffic and as the Government Orders in force were found not sufficiently comprehensive he suggested that orders might be issued prohibiting the erection of houses within 50 feet of road margins of all State and District Fund roads in the State a margin of not less than 20 feet being however considered enough in the case of villages through which the road passed

The Deputy Commissioners of Bangalore Mysore and Kolar brought to notice certain practical difficulties in enforcing the standing orders on the subject which were inconsistent with the provisions of the Municipal Regulation and the parties sometimes took the matter up before the Civil Courts

It was decided that the rule should as far as possible be enforced in the case of new buildings in State Fund and District Fund roads In the case of through motor roads the best thing was to form a deviation road outside the village or town concerned

9

33 This will be placed in the main file & dealt with along with that The Secretary Member of Council has been pleased to order that any Govt Circulars may be put up in the subject in the Comprehensive main file

34 The draft may be approved

18/11/35

18/11

NOTE—Contn Sheet

WD 03594—GPB—30 000—18 7 35

10) Board Memorandum 2167 V 2777

File No 274 2777334 of 1933-34 General and Revenue Secretariat

35 A draft circular letter to put up for consideration

from 6/12/35 [illegible]

36 Needless may be got typed

ASR 14/12

T.S. W.C.

Pl type on Roll memorandum

from 12/12/35 [illegible]

Typed draft as put up from [illegible]

37 Consideration

from 18/12/35 [illegible]

38 I have corrected the draft, which may be got retyped

16 DEC 1935 SECTT

ASR 19/12

Typ fee rec [illegible]

39 Typed draft as put up.

20 DEC 1935 GENL & RE

40 For consideration

from 23/12/35 [illegible]

Secy) ASR 23/12

[illegible] 24/12

[illegible] 24/12

41) This is not quite the sort of draft circular that I had in view. Will the Secy please speak to me?

26/12/35

4168 24/12

OFFICE OF THE SECOND MEMBER OF COUNCIL 24 DEC 1935 No 4924-F

Restriction of the construction of shops on road margins

(11)

General and Revenue Secretariat — File No 27 of 1935-36 — [App F III—2

Serial No

42 The question in this file was further examined with reference to the orders dated 30 3 36 of the Secretary Member of Council, the opinion of the Law Asst Secy dated 1/8/36 and the subsequent references received as noted in the margin from the Chief Engineer

Flag D

Flag E

43 At the meeting of Officers held at Mysore on 7 x 1935, it was decided that the present rule contained in G O dated 16-6-1931 (Flag L) should, as far as possible, be enforced in the case of new buildings on the State Trunk and District Trunk Roads and that in the case of through motor roads, the best thing was to form a deviation road outside the villages or towns concerned The Chief Engineer has since brought to notice several instances where the restrictions issued in the G O of 16 6-1931 could not be enforced for want of legislative sanction

Flag L

44 In this connection it may be stated that it was considered

NOTE—Contn Sheet

WD 0359—GPB—30 000—18 7 35

Prohibition of the construction of houses on road margins

by

Secl File No 274 of 193 3-3[illegible] General and Revenue Secretariat

from time to time whether such prohibitions relating to the construction of buildings on road margins could be legally enforced as laid down in the G.O. of 16 6 1931, under the existing provisions of the Local Self Govt Act in the State and the Land Revenue Code

An examination of the present existing of the several laws - The Municipal Reform, the R Code & the V P Regulation disclose that none of the marginally noted provisions would be helpful in enforcing the decision of Govt Some of the aforesaid provisions, though appearing to be useful in meeting the requirements of certain cases are not helpful in completely prohibiting the construction of buildings or road margins in the interest of safety of the public Moreover the municipal councils will have to be consulted and the enforcement of the provisions cannot be made to depend upon the vagaries of the local bodies concerned, if they decide to take a view contrary to those of Govt Some roads run thro' the village Panchayat areas also

See
110 Town Improvement Act
80 Town Planning Act
298-9 A Village Panchayats Act
63 & 64 - L.R. Code

Protection of the catchment of tanks
on road margin

(13)

General and Revenue Secretariat — File No 234 of 1933-34 — [App F III—2

Serial No

Much time would also be lost ~~in~~ investigation if all the local bodies including village panchayats have to be consulted in the matter, every now & then

45 In these circumstances it appears necessary, to enable Govt to take action in such cases — to put in a new section in the several ML Regulations (Tamil Nadu) and the Village Panchayat Regulation. The section may be more or less in the following lines —

Notwithstanding anything contained in Secs 63 & 64 of the Land Revenue Code and in Secs 110 (of the Tamil Nadu Hills Regn), 80 (of the Kerala Hills Regn) and Sec 29 of the village Panchayat Regulation,

1) no building shall be erected within a distance of 50 feet (measured from the middle of the road) on either side of a State Trunk / District Fund road running within the limits of a village Panchayat / Town or Town Hills

2) Whoever erects a building contrary to the provisions of sub-section (1), shall be punished with a fine ~~which may extend~~ not exceeding Rs 200/- and the Govt may also demolish any such building

NOTE.—Contn Sheet

WD 03 94—GPB—30 000—18-7-35

" 2014 2/2014/1

Prohibition of the construction of houses on road margins

(14)

1935 ✓2777 / 1518 ✓ 1936 2167 / 3551 ✓ 3156 / 1876 ✓ 1936-37 / 3632

File No 274 of 1933-34 General and Revenue Secretariat

3) In the case of buildings constructed on or after the date on which this Regulation shall come into force, the Govt shall, notwithstanding anything contained in Sec 49 of the L & A Regulation, have power to acquire the projecting portion situated in the margin referred to in sub-section (1) and pay compensation therefor

4) There appears to be no necessity to amend the city of this Regulation as there is neither a principal nor a district Road within the city mt limits

5) The distance of 50 ft or 20 ft referred to above has also to be defined clearly so as to show the limits of the road from which it has to be measured

6) If the above views is accepted, necessary further action may be taken in consultation with the Law section

7) Subject for orders with respect to the Govt fees mentioned in para 4 above

vide file noted below (585/X)

John 20/11/36

8) The suggestions in the above notes for consideration in this connection it may perhaps be stated that three classes of cases will have to be considered in this connection —

Re Restriction of the construction of houses on roadside margins (25

General and Revenue Secretariat | File No 274 of 1933-34 | [App F III—2

Serial No

1) Buildings not already sited
2) Sites belonging to private parties not Constructed upon and
3) Vacant Sites, formed as such and not disposed of to private parties

51 As regards (1) it may be stated that may have to be left undisturbed for the present but when any building comes down license for ~~grant~~ Construction a new building on its place will be refused & the land acquired if need be & kept Vacant

52 As regards (2) ~~of the~~ no license for construction will be granted if the Site as such not after having the margin of sufficient ground to not left for construction a house such Sites shall be acquired and any the person not remains are after providing for a margin of 50 ft proposed of to being given to the owner of the adjacent Site

53 As regards (3) such Sites shall be ~~re-sold~~ re-marked so as to leave the required margin and then disposed of

No New Sites shall be formed within a margin of 50 ft on either side of the road

54 If the above methods are adhered to there will be no necessity to resort to legislation and there will be no hardship to the people also

23/11/36

Dlr Secy)

3731/27/11

NOTE.—Contn Sheet

WD 03/31—GPB—30 000—18 7 35

55 above para 3 above

11 11 36

24/11/36

Prohibition of the Construction of buildings on Road Margins

Mel File No 274/5 of 1933-34 General and Revenue Secretariat

5 With refee to para 55 supra, it is subd that the M.P. Amendment Bill refd to therein has been passed into law (vide Hy C)

24/11/36

24/11/36

Dev Secy)

57 The chief Engr may be requested to consider the above suggestions

1 12 R
1/12/36

Memo no —

58 Forwarded with compliments unofficially to the Chief Engineer for favour of remarks on the above suggestions

By order,

2/12/36

Asst Secy to Govt

Returned with compliments, to the Secretary to Government, Development Department

2 A suitable Government Order on the lines - - - suggested in this office Unofficial No 98 dated 15th August 1935 seems to be necessary with a view to - - - prohibit effectively the cropping of houses along the State Funds and District Funds roads all along

3 many instances of encroachments on road margins

Prohibition of the construction of buildings on road margins

1816

Public Works Secretariat | File No | of 193

Serial No	
	wherein the instructions issued in the Government Order of 16th June 1931 could not be enforced for want of legislative sanction are being brought to the notice of this office With the present - - - provisions of the Municipal Regulations, it does nc appear to be possible to enforce the limits for - - constructing houses as laid down in the Government Order of 16th June 1931 on the Municipal Councils
61	4 The officers who issue license for construct ing houses in villages and town limits along the -- State and District Fund Roads may be insisted upon to consult the local officers of the Public Works Department before granting such licenses There appears to be no objection to generally agree to th principles laid down in paras 50-53
62	5 The margins of 50 feet and 20 feet should be measured from the extreme boundary of the road and not from the edge of the actual metal or gravel --- surface

For Chief Engineer of Mysore

63 Subs for orders with ref to para 41 & 57 supra.

12/2/37

Supdt

12/2/37

Secy

A S

64 Please see me

WD

19/4/37

WD 01261—G1 B—5 000—24 1 35

Note—Contn sheet

65 Dft of O M embodying these suggestions may be put up for consid

WD 2014 20/4/37

20/4/37

Construction of buildings on road margins

Rl 274 – 33 1816

66 Dft- C in submission consideration

5/5/37

67 Please type Dft

7/5/37

7/5/37

18

Typed draft as put up

8/5/37

10/5/37

Secy) 69 Dft OM for comm^n – Refer Para 41

Second m^r) 10/5/37

Serial No

70 The Government Order of 1931 lacks legal validity and has been found to be unenforceable in several cases There is no use issuing further detailed instructions on the lines suggested in the draft What the local officers want is an indication of the procedur which they should adopt within the limits of the law in order that the intentions of the Government Order may be achieved as far as possible

71 It is not difficult to prevent the construction of buildings on agricultural lands and lands which are not set apart as building sites, ~~under~~ Section 29A of the Village Panchayet Regulation or if the agricultural lands lie within the boundaries of a Municipality, the corresponding sections of the Municipal Regulation could be utilised for this purpose In respect of all important State Fund roads and more particularly in respect of the new deviation roads, it is desirable to take action unde these sections as early as possible

72 As regards sites already vested in individuals and set apart for building purposes, it is not legally possible to prohibit the construction or reconstruction of buildings unless

(1) a regular line of public street has been laid down under the City or Town Municipalities Regulation, and

(2) compensation is paid to the owner of the site

NOTE—Cont Sheet

73 Having regard to these restrictions, it

Road margin in rights and Main rights

Serial No

may not be feasible to prescribe 20 feet, 10 feet or any other specific width of road margin for towns and cities The building line must be determined with reference to the circumstances of each case All Town Municipalities may be empowered under section 102 of the Town Municipalities Regulation and requested to take steps in consultation with the Deputy Commissioner and Executive Engineer concerned for fixing a regular line of public streets in respect of important roads passing through their municipal limits

74 For the rest, the object in view can only be achieved by persuasion or if this fails by the acquisition of sites or portions of sites on which it is sought to prevent the construction of buildings The cost of acquisition must be provided by the Public Works Department or the District Board, as the case may be

75 The licensing power of municipal authorities cannot be exercised so as to deprive a man of the right to build on a portion of his own site, even if public interests are promoted thereby Neither can Government take special powers by enacting a new law (as suggested in paras 45 and 46) which would amount to legalising expropriation without compensation

76 In the light of the above observations, a revised draft may be put up

NOTE—Cont Sheet

19/5/37

19/5/37

Roads margin in Zamindaries and village panchayats 1816

Public Works Secretariat | 2nd File No 274 of 1933

Serial No

77) Revised draft G.O. submitted for consideration
29/5 29/5 1/6/37
Dear Secy
Secy Member
Hon Member
Dewan

78) 11/6/37

79) 14/6

80) 16-6-37 17.6.37

81) 17/6/37

3 To the Chief Engr
" Supdg Engr D.S.
Rev Comr in Mysore
" Pubs Engr Ot. & Ds
" Rl Comr, Bangalore Cy. Mys.
" Pubs, Mysore City Mcl
" Secretaries to Govt
Completed
L 22-44 Dy 1-7-37

Passes orders re the road margins to be left between the homes & the roads on the several kinds of roads in the Stn

Note—Contn. sl eet

7/7

WD 01261—GPB—5 000—24 1 35

1 37 8762
THE PRIVY MEMBER'S SECRETARIAT 13 JUNE 1937 No 4306
DEWAN'S OFFICE 16 JUNE 1937 No 5236
TYPING SECTION 18 JUN 1937 GENL & REV SECTT

Road margin in mysore

1876

82) Draft note submitted for appln. Office-para 73

9/9/1937 para The notes supra (Members Numbered)

83 The draft note has been revised as normally directed

Dev Levy) 2/11/91.

84 This file was returned by the Secretary-today to this Branch

85 It is submitted for orders with a draft note

for 29/9/37 For orders whether the State Government may

Levy (SS) 2/29/91

SECY LOCAL SELF GO
29 SEP 193
GOVT OF MYSORE

14/9/41

4842
2

REPLY

(To be written on this margin)

SECOND MEMBER OF COUNCIL
11 APR 1938
N M 230

OFFICE OF THE
SECOND MEMBER OF COUNCIL

NOTE

Dated 10th April *193* 8

Revised instructions have been issued in G O No L 28-49/M1 274-33-3 dated 1st July 1937 regarding the width of road margins within which the construction of buildings should be permitted on State fund and local fund roads passing through municipal areas and villages According to the G O , it is necessary for the Municipal Councils to prescribe the "regular line of public street' for these roads A notification may be issued, under Section 102(1) of the Town Municipalities Act, authorising all Town Municipal Councils to take action in this behalf

L S G Secretary,
with compliments

11 4 38

Submitted
the connected file, with a draft note. as directed above, is before the Secy L S G. having been put to him on the morning of January 1938 Shown the draft note put up therein to for orders
12/4/38 Secy L S G/ for 12/4/38
Submitted to the Asst Secy in charge
The file on instructions received from
Today with a note in orders.
12/4/38

1816 L 4--

General & Revenue Secretariat — File No 274 of 1933-34 [App F III-2

Serial No	
4	2- The Compiler, Mysore Gazette No L8558 Dt 19 4 38 requests that all the Town Municipal Councils in the State are empowered to exercise the powers refd to in Sec 102 (1) of the Mysore Town Municipalities Act, 1933 20 The Deputy Commrs & Chief Engineer No L 8559-68 Dt 19 4 38 Dt ... copy of ... 4 ...

B [illegible] 26/4/38

NOTE—Contn Sheet

File No | of 193 | Ger eral and Reverue Secretai at

Serial No

274-33-1

4877

To Address — MYSORWORKS
No 9731
Encls 1 file 2 papers
1 - 0 -
2

PUBLIC WORKS DEPARTMENT
CENTRAL OFFICE

Dated Bangalore 20 April 1934

FROM
Raja Sevasakta
M G RANGAIYA Esq BA, BE MRSANI MAMAE
Chief Engineer of Mysore
Bangalore

To
The Secretary to Government,
Development Department, Bangalore

20 APR

Subject - Construction of buildings on the road margin

Sir,

Adverting to C O No L 9807-37/M1 163-29-7 dated the 16th June 1931 issuing instructions regarding the margins to be left between the road and houses &c , springing up within municipal limits on newly opened roads, I have the honor to inform you that instances have come to the notice of this Department where private people are putting up buildings within the margins of roads where they run through villages

2 As an example, I might mention that a new Tile Factory has been allowed to be constructed by the Revenue Department in front of Baragadde village in Anekal Taluk close to the Bangalore - Anekal road *via* , Bannerghatta Another instance has occurred in Sravanabelagola x Village in the Hassan District One Mr K B.Vajranabhaiya, Vice-President of the Sravanabelagola Municipality constructed a motor shed on the road margin in 3/7 of Sravanabelagola - Chennarayapatna road, encroaching upon an area of 14 sq yds During construction, the Assistant Engineer issued notices to the party but these were deliberate-ly disobeyed The Deputy Commissioner, Hassan District, was then addressed by the Executive Engineer in the matter and on enquiry the Revenue Sub Division Officer fined the party Rs 10/- and ordered eviction . On appeal, the Deputy Commissioner reversed the decision of the Sub Division Officer on technical grounds The records in both the

cases

cases are herewith forwarded for information and return

3 I therefore request you to be so good as to obtain the sanction of Government to the application of rules issued in June 1931 ~~[illegible]~~ generally to the road margins whether the roads run through Towns, Villages or fields.

I have the honor to be,
Sir,
Your most obedient servant,

M C Ramaiya

Chief Engineer of Mysore

19 4/34

MCP

YSBu
14/4

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 28-5-34

Signed by Mr A V R

List of enclosures

Copied by 11/2 22/5

Examined by

Section ME

File No 276-33

Serial No 2

No L8490 Encl Recds

To The Chief Engineer in Irrigg

Sir,

In returning herewith the papers & records relating to the construction of buildings on road margins received with your letter under reference No 9737 dated the 20th April 1934, I am directed to state that the records disclose that the roads originating from Bungalow-Arekal road & Bannerghatta & Thavarekere Chaimarajapetam road have

if at all time
been in existence, and are not
necessary and to request you
to be informed that the 50 feet
width rule regarding amount
which, according to the
G.O. No. L.9907-37/PL.163-37
dated the 26th June 1937 could
be insisted upon and the
case of newly opened roads, could be considered
as if been violated in these cases
The favour of an early
reply is requested

Yours faithfully

Sd/-

for Chief Engineer
Roads & Development

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 2nd May 1934

No L8490

Encl. Recd

From

The Secretary to the Government of His Highness the Maharaja of Mysore
Development Department

To

The Chief Engineer in Mysore,

Sir Bangalore

In returning herewith the two files of records relating to the construction of buildings on road margins received with your letter No.9731 dated the 20th April 1934, I am directed to state that the records disclose that the roads in question viz., Bangalore-Anekal Road via Bannerghatta and Sravanabelagola-Channarayapatna Road have been in existence for a long time and are not newly opened and to request you to intimate how the rule regarding a margin of 50 feet which according to the Government order No.L.9907-37/Ll.163-29-7 dated the 16th June 1931 could be insisted upon only in the case of newly opened roads could be considered to have been violated in these cases.

The favour of an early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

A Venkata Rao

For Secretary to Government,
Development Department.

230
L

Address — MYSORWORKS
No 462
Encls

PUBLIC WORKS DEPARTMENT

CENTRAL OFFICE

Dated Bangalore 18th July 1934.

GEN & REV SEC 20 JULY

From ~~BXXXXERXXXXXXA~~
~~XXXXXXBXNGAIXA~~ ~~EXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ L S G Br.
The Chief Engineer of Mysore
Bangalore

To

19 JUL 1934

The Secretary to Government,
Development Department, Bangalore

Subject - Construction of buildings on the road margin

Sir,

I have the honor to invite kind reference to this office No 0731 dated the 20th April 1934, on the above subject and to request you to be so good as to intimate the stage in which the question stands at present

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Chief Engineer,
P W Department

MCP

It is strange that no reference has been made to this office letter no L 8490 dt 28/5/34 despite the records calling for some further note & draft letter awaiting his attention & that letter is put up for approval

23/7/34

25 JUL 1934

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore Dated 27 - 7 - 1934.

No L639

From

M Venkatanarenappa, Esquire, B A,
Secretary to the Government of His Highness the Maharaja of Mysore
Development Department

To

Dewan Bahadur N N Ayyangar, L
Chief Engineer of Mysore, Bangalore

Sir

With reference to your letter No 462 dated the 14th July 1934 requesting to be informed of the stage in which the question of allowing the construction of buildings on the road margin referred to therein stands, I am directed to invite your attention to this office letter No L 8490/M1 274-33-2 returning the records in question and calling for further information in the matter and to request that the same may be furnished to Government early

I have the honor to be,
S i r,
Your most obedient servant,

for Secretary to Government,
Development Department

P Y

L639 dy 27-7-34

To
The Chief Engineer.
Mysore
Bangalore

Sir,

With reference to
your letter no 462
dated the 14th July 1934
requesting to be informed
of the steps in which
the question of widening
& the construction
of buildings on the
road margin, stands,
I am directed to
invite your attention
to this Office letter
no L 849 of 11 27433,
returning the records
in question and calling

for further information in
the matter and to request
that the same maybe
forwarded to your earliest

2777

No 1419
Encls

MYSORE PUBLIC WORKS DEPARTMENT

CENTRAL OFFICE

Dated Bangalore 14/12/1934

14/12

Mc 276-33

FROM

DIWAN BAHADUR
N N AYYANGAR BA LCE MIE (Id) ISE
Chief Engineer of Mysore,
Bangalore.

To

The Secretary to Government,
Development Department, Bangalore

SIR

Subject - Construction of buildings on Road margin

With reference to your letter No L 639 dated the 27th July 1934 calling for further information in respect of preventing the construction of buildings on the road margins, I have the honor to state that the Rule regarding the margin of 50' according to Government Order No L 9907-37/M 1 163-29-7 dated the 16th June 1931 is, as you have stated, applicable only to all newly opened provincial and District Fund Roads within Municipal limits of Towns and cannot be considered to have been violated in the cases referred to in your letter No 8490 dated 28th May 1934

2 It is however observed that new buildings are cropping up on the road margins of the existing Provincial and District Fund roads and on the sides of such roads running through villages As it is undesirable for many reasons to allow the construction of buildings on road margins in these days of fast moving traffic and as the Government Orders in force are found not to be sufficiently comprehensive, I request you to be so good as to issue a suitable Government Order prohibiting the erection of houses within 50' of road margins of all State and District Fund Roads in the State A margin of not less than 20' will perhaps be enough in the case of villages through which the road pass

3 The Officers who issue license for constructing houses in villages and town limits may also be instructed to consult

consult the local officers of the Public Works Department before granting such licenses

I have the honor to be,
Sir,
Your most obedient servant,

M Visvesvaraya 13/12/34.
Chief Engineer of Mysore,
(In charge)

Official Memorandum.

Official Memorandum No 5426-50/M1 275-87-1 dated 10th March 1928

G O No L 9907-37/M1 163-29-7 dated 16-6-31

G O No. L 6457-83/M1 84-31-21 dated 3-2-1932

Instructions have been issued by Government from time to time when the several Government Orders noted in the margin in regard to the road margin which is to be left vacant between the road and the buildings proposed to be constructed on State funds, the use of public roads, Imboss & Coffpost District Funds and Village roads. Instances have come to the notice of Government of infringment of the instructions conveyed in the Government Orders referred to above and the non-enforcement of the instructions is said to be due to the fact that the local officers have no legal validity and have consequently been found to be powerless in practice. Government consider that it is necessary to check effectively the construction of buildings in the road margin or within close proximity of the roads and are accordingly pleased to issue the following instructions as regards the road margin to be adopted within the limits of the law so that the above intentions of Government may be achieved as far as possible

3 So far as agricultural lands and lands not set apart as building sites are concerned there is no difficulty

Under the Land Revenue Code (Vide Section 63 and 64) before the agricultural lands are appropriated for building purposes t sanction of the Deputy Commissioner is necessa and whenever applications are made in this behalf, the authorities competent to accord sanction to adhere to the rules regarding

regarding road margin and permit construction of houses etc , only beyond this limit

Provision has also been made in the Village Panchayet Regulation and the Municipal ~~enactments~~ Regulations whereby action could be taken to prevent the construction of buildings within the margin (heretofore road) ~~which it is necessary to prescribe in public interests~~ (Vide Sections 29 A Village Panchayet Regulation and 110 of Town Municipalities Regulation and 80 of the Minor Municipalities Regulation) ~~These provisions~~ enable Government to prohibit by notification the erection of buildings within a specified area in a Village Panchayet (in ~~the~~ a Municipality except with the permission granted by Government and ~~the permission to be granted could be subject to~~ which may be given on such conditions as may be fixed specifically in each case (or prescribed) generally These provisions can be availed of for securing the object of Government In respect of all important State Fund Roads and more particularly new deviation roads, it is desirable to take action as early as possible

4. As regards sites already vested in individuals and set apart for building purposes, it is not legally possible to prohibit the construction ~~and renovation~~ or reconstruction of buildings unless a regular line of public street has been laid down under the City and Town Municipalities Regulations, and compensation is paid to the owner of the site Consequently it is not feasible ~~to~~ to prescribe any specific width of road margin

take action as early as possible

-ly new deviation roads, it is desirable to
important State Fund boards and more particul
object of Government In respect of all
provision can be availed of for securing it
specifically in each case usually The
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to prescribe a fair interests (
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to prevent the obstruction of building
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Village Panchayat be mitigated
of cases etc only beyond the air
regarding road ar in it co t

margin for towns and Cities road passing through The building line has to be determined with reference to the circumstances in each case A separate notification is being issued empowering all Town Municipalities under Section 102 of the Town Municipalities Regulation The Town Municipal Councils are requested to take steps, in consultation with the Deputy Commissioners and the Executive Engineers concerned for fixing a regular line of public streets in respect of all important roads passing through their limits

5 In all other cases, the object can be achieved only by persuasion ~~if~~ and if this fails, by recourse to land acquisition proceedings by acquiring the sites or such portion of the sites on which the construction of the building is sought to be prevented the cost of acquisition being provided by the Public Works Department or the District Board according as the road is ~~a~~ State ~~Fund or a~~ District ~~Board one~~ or Funds be realised from

Secretary to Government,
Development Department

1/6/72

To

The Chief Engineer of Mysore,

The Deputy Commissioners of Districts,

The Revenue Commissioner in Mysore,

The Presidents of District Boards,

The Municipal Commissioner, Bangalore City
through the President, C M C ,

The President, Mysore City Ml Council,

The Secretaries to Government

The Comptroller of Accounts

Official Memorandum

30 1/2 L 22-49 Genl 274-33-3 Dy 17-3?

Instructions have been issued by Government from time to time in the several Government Orders noted in the margin for preventing the construction of buildings by the side of public roads Instances have come to the notice of Government in which these instructions have not been strictly followed and it is understood that their non-observance is partly due to the fact that the local officers do not possess sufficient legal authority to prevent the construction of houses by private persons on their own lands adjoining public roads

2 While there may be some force in this explanation in certain cases, it seems to Government that there is considerable misapprehension among Revenue and other officers as to the nature and extent of the legal powers available to them in this respect Government are accordingly pleased to issue the following instructions as regards the procedure to be adopted, within the limits of the law so that the intentions of Government as indicated in the above circulars may be achieved as far as possible

3 So far as agricultural lands and lands not set apart as building sites are concerned, there should be no difficulty Under the Land Revenue Code (Vide Section 63 and 64) before unalienated lands are

Off Memorandum no 5826-50/Genl 275-27 dy 10-3-1928 issuing instructions that a margin of at least 50 feet should be left between the road and the buildings to be constructed thereon, within the village and municipal limits

2 G.O no L 2907-37/Genl 163-47 dy 16-6-31 issuing instructions re road margin to be left between the road and the buildings to be constructed within Genl limits on newly opened roads

G.O no L 5457-E 3/Genl 84 31 21 dy 3 2-32, defining the term "newly opened roads occurring in G.O of 16-6-31 referred to above

appropriated for building purposes, the sanction of the Deputy Commissioner is necessary and whenever applications are made in this behalf, the authorities competent to accord sanction should adhere to the rules regarding road margin and permit construction of houses etc , only beyond this limit

4 Provision has also been made in the Village Panchayet Regulation and the Municipal Regulations whereby action could be taken to prevent the construction of buildings within the specified road - margins Sections 29 A of the Village Panchayet Regulation and 110 of the Town Municipalities Regulation and 80 of the Minor Municipalities Regulation enable Government to prohibit by notification the erection of buildings within a specified area in a Village Panchayet or in a Municipality, except with the permission of Government, which may be given on such conditions as may be fixed specifically in each case or prescribed generally These provisions can be availed of for securing the object of Government In respect of all important State Fund Roads and more particularly new deviation roads, it is desirable to take action as early as possible

5 As regards sites already vested in individuals and set apart for building purposes, it is not legally possible to prohibit the construction or reconstruction of buildings unless a regular line of public street has been laid down

under the City and Town Municipalities Regulations and compensation is paid to the owner of the site Consequently it is not feasible to prescribe any specific width of road margin for roads passing through towns and Cities The building line has to be determined with reference to the circumstances of each case A separate notification is being issued empowering all Town Municipalities under Section 102 of the Town Municipalities Regulation The Town Municipal Councils are requested to take steps, in consultation with the Deputy Commissioners and the Executive Engineers concerned for fixing a regular line of public streets in respect of all important roads passing through their limits

6 In all other cases, the object can be achieved only by persuasion and if this fails, by recourse to land acquisition proceedings by acquiring the sites or such portions of the sites on which the construction of the building is sought to be prevented, the cost of acquisition being provided by the Public Works Department or the District Board according as the road is one maintained from State or District Funds

Secretary to Government,
Development Department

To

The Chief Engineer of Mysore, with three fds
The Deputy Commissioners of Dts
The Revenue Commissioner in Mysore,
The Presidents of District Boards,
The Municipal Commissioner, Bangalore City through the President, C.M.C.
The President, Mysore City Municipal Council,
The Secretaries to Government & The Comptr. for Govt

S. O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

O M No L 22 49—Ml 274 33 3 dated 1st July 1937

Road Margin

Issues instructions as regards the procedure to be adopted to prevent the construction of buildings on the ——

OFFICIAL MEMORANDUM

O M No L 22 49—Ml 274 33 3 DATED BANGALORE, THE 1ST JULY 1937

Instructions have been issued by Government from time to time in the several Government Orders noted below for preventing the construction of buildings by the side of public roads Instances have come to the notice of Government in which these instructions have not been strictly followed and it is understood that their non observance is partly due to the fact that the local officers do not possess sufficient legal authority to prevent the construction of houses by private persons on their own lands adjoining public roads —

1 Official Memorandum No 5426 50—Ml 275 27 1 dated 10th March 1928 issuing instructions that a margin of at least 50 feet should be left between the road and the buildings to be constructed thereon within the village and municipal limits

2 Government Order No L 9907 37—Ml 163 29 7 dated 16th June 1931 issuing instructions regarding road margin to be left between the road and the buildings to be constructed within municipal limits on *newly opened roads*

3 Government Order No L 5457 83—Ml 84 31 21 dated 3rd February 1932 defining the term newly opened roads occurring in the Government Order of 16th June 1931 referred to above

2 While there may be some force in this explanation in certain cases it seems to Government that there is considerable misapprehension among revenue and other officers as to the nature and extent of the legal powers available to them in this respect Government are accordingly pleased to issue the following instructions as regards the procedure to be adopted within the limits of the law so that the intentions of Government as indicated in the above circulars may be achieved as far as possible

3 So far as agricultural lands and lands not set apart as building sites are concerned there should be no difficulty Under the Land Revenue Code (*vide* Sections 63 and 64) before unalienated lands are appropriated for building purposes the sanction of the Deputy Commissioner is necessary and whenever applications are made in this behalf the authorities competent to accord sanction should adhere to the rules regarding road margin and permit construction of houses etc, only beyond this limit

4 Provision has also been made in the Village Panchayet Regulation and the Municipal Regulations whereby action could be taken to prevent the construction of buildings within the specified road margins Sections 29A of the Village Panchayet Regulation and 110 of the Town Municipalities Regulation and 80 of the Minor Municipalities Regulation enable Government to prohibit by notification the erection of buildings within a specified area in a Village Panchayet or in a Municipality except with the permission of Government which may be given on such conditions as may be fixed specifically in each case or prescribed generally

O M No L 22 49—Mi 274 3-3 DATED 1st JULY 1937

These provisions can be availe o for se urin the object of Government In respect of all important State Fund Roads and more particularly new deviation road it is de irable to take action as early as possible

5 As regards sites already vested in individuals and set apart for building purposes it is not legally possible to prohibit the construction or reconstruction of buildings unless a regular line of public street has been laid down under the City and Town Municipalities Regulations and compensation is paid to the owner of the site Consequently it is not feasible to prescribe any specific width of road margin for roads passing through Towns and Cities The building line has to be determined with reference to the circumstances of each case A separate notification is being issued empowering all Town Municipalities under Section 102 of the Town Municipalities Regulation The Town Municipal Councils are requested to take steps in consultation with the Deputy Commissioners and the Executive Engineer concerned for fixing a regular line of public streets in respect of all important roads passing through their limits

6 In all other case the object can be achieved only by persuasion and if this fails by recourse to land acquisition proceedings by acquiring the sites or portions of sites on which the construction of the building is sought to be prevented the cost of acquisition being provided by the Public Works Department or the District Board according as the road is one maintained from State or District Funds

M VENKATANARANAPPA
Secretary to Government
Development Department

To— The Chief Engineer of Mysore with three file
The Deputy Commissioners of Districts
The Revenue Commissioner in Mysore
The Presidents of District Boards
The Municipal Commissioner Bangalore City through the President City Municipal Council Bangalore
The President Mysore City Municipal Council
The Secretaries to Government
The Controller to Government

Fxd — C K

WD 6—GPB—555—9 7 37

Appendix I G—1]

SUBJECT

Section
File No 274-33
Serial No 4.

Diary No of letter replied to

No
18558
To

Notification

General and Revenue Secretariat

( )

the *193*

Under Sec 102 (1) of the Imperial Tobacco Duties Act, 1933, it is hereby notified that the Government of His Highness the Maharaja of Jaipur are pleased to empower all the Tobacco Inspectors in the State (excepting those which have already been empowered in this respect) to exercise the powers referred to in the aforesaid section

Date of issue 14.4.38

Signed by

List of enclosures

By order

14/4

Copied by

Examined by

To —

The Compiler, Mysore Government Gazette for publication in part III of the Gazette for sending 5 copies of the issue to each of the Tobacco Inspectors

WD 0521—GPB—30 000—12-3 37

Memo No 28559-68/1944 (1)

Copy with compl to the dep com for
desires for information and necessary
action with respect to para 3 of
O M no L 22-44/ml 274-33-3
dy 1-7-37 (2) Copy to chief engr in
response for information

13 Oct
1414
Receipt for
- despatch
mz

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

(No 1858/ml 274-33-4 General and Revenue Secretariat

Dated Bangalore 19th April 1933.

NOTIFICATION

RE

Under section 102 (1) of the Mysore Municipalities Act 1933, it is hereby notified that the Government of His Highness the Maharaja of Mysore are pleased to empower all the Town Municipal Councils in the State (including those which are already been empowered in this respect) to exercise the powers referred to in the aforesaid section

1933.

By Order,

Shri Sajan Kumar

Secretary to Government.

The Director, Mysore Gazette for publication in Part II of the Gazette for sending 50 copies to the Secretariat and 10 copies to each of the Deputy Commissioners of Districts in the Chief Commissioner in Mysore.

12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L8558/ml274-33-4 General and Revenue Secretariat

Dated Bangalore 19th April 193 8.

NOTIFICATION

Under section 102 (1) of the Mysore Town Municipalities Act 1933, it is hereby notified that the Government are pleased to empower all the Municipal Councils in the State (including those which have already been so empowered in this respect) to exercise the powers referred to in the aforesaid section.

By order.

Sd/- Sajan Morris

for Secretary to Government.

To

The Superintendent,
Government Press,
Bangalore.

Copy to the Accountant General, Mysore.

Copy to the Secretary, Mysore Gazette for publication in Part IV of the Gazette for sending 5 copies to this Secretariat and 100 copies to each of the Deputy Commissioners & Instructions to the Chief Engineer in Mysore.

.. . .12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Date Bangalore 193

NOTIFICATION

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 8588/mel274-33-4 General and Revenue Secretariat
Dated Bangalore 19th Nov. 1934.

NOTIFICATION

Under section 102 (1) of the Mysore City Municipalities Act 1933, it is hereby notified that the exercise of its powers by the Municipal Council of Mysore will be subject to the following conditions in addition to those which have already been prescribed in this respect to exercise of the powers referred to in the aforesaid section.

By order,

Sd/- Sajan Kumar
Secretary to Government
Municipal Department

The regular pecuniary assistance for public purposes in part IV of the Mysore City Municipalities Act to be contributed to the Municipality by Government shall not exceed in any year the amount specified in the said Act.

... 12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore the 1933

NOTIFICATION

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 85-58/ml 274-33-4 General and Revenue Secretariat

Dated Bangalore 14th April 1938

NOTIFICATION

Under section 102 (1) of the Mysore Municipalities Act 1933, it is hereby notified that the Government of His Highness the Maharaja of Mysore are pleased to empower all the Municipal Councils in the State including those which have already been empowered in this respect to exercise the powers referred to in the aforesaid section.

By Order,

Sd/- Safdar Hussain

Secretary to Government,
L. S. Department

To

The Compiler, Mysore Gazette for publication in Part II of the Gazette for sending 5 copies to this Secretariat and 100 copies to each of the Deputy Commissioners of districts and the Chief Officer in Mysore.

. . .12.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 4 1933

NOTIFICATION

Government of His Highness the Maharaja of Mysore,
General and Revenue Secretariat.

No. L8558/mc274 33-4 Dated, Bangalore, the 19th April 1938.

NOTIFICATION.

Under Section 102 (1) of the Mysore Town Municipalities Act 1933, it is hereby notified that the Government of His Highness the Maharaja of Mysore are pleased to empower all the Town Municipal Councils in the State (including those which have already been empowered in this respect) to exercise the powers referred to in the aforesaid Section.

By Order,

Sd/- [illegible] Krishna Rao,

Secretary to Government,
L.S.G. Department.

The Compiler, Mysore Gazette, for publication in Part III of the Gazette for sending 50 copies to the Secretariat and 100 copies to each of the Deputy Commissioners of Districts and the Chief Engineer of Mysore.

Memo No. L8559-68/mc Dated, 19th April 1938

Copy of the above is forwarded, with compliments, to the Deputy Commissioner, District, for information and necessary action with reference to para 5 of Official Memorandum No L.22-44/ L.274-33-3 dated 1st July 1937.

By Order,

for Secretary to Government,
L.S.G. Department.

S.S.G.12.

MUNICIPAL AND LOCAL BOARDS

Notification No L 8558—*Vl* 274 33 4 *dated* 19*th April* 1938

Under Section 102(1) of the Mysore Town Municipalities Act 1933 it is hereby notified that the Government of His Highness the Maharaja of Mysore are pleased to empower all the Town Municipal Councils in the State (including those which have already been empowered in this respect) to exercise the powers referred to in the aforesaid Section

By Order
P H KRISHNA RAO
Secretary to Government
Local Self Government Department.